

## ARTICLE 16

### CL - COMMERCIAL LIMITED DISTRICT

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**Legislative Intent.** The intent of this district shall be to encourage the logical and timely development of land for commercial purposes in accordance with the objectives, policies, and proposals of the Comprehensive Plan; to discourage any use which would interfere with the use of the district as a neighborhood of community commercial center for surrounding residential areas; and to assure suitable design to protect the residential environment of adjacent and nearby neighborhoods. It is further declared to be the intent of this district to provide the neighborhood commercial center with a minimum of traffic congestion, overcrowding of land, noise, glare, and pollution, so as to lessen the danger to the public safety. The protective standards contained in this Article are intended to minimize any adverse effect of the center on nearby property values and to provide for safe and efficient use of the center itself.

**16-1 Use Regulations.** A building may be erected, altered, or used, and a lot or premises may be used or occupied, for any of the following purposes, and no other.

**16-1.1** Any of the uses identified in this Section, 16-1., which do not exceed 50,000 square feet in gross floor area, are permitted by right: (Amended by Council 5/14/96)

- Stores for the retail sale of antiques; automobile supplies; artworks and supplies; books; cigars; clothing and apparel of any kind; dry goods; drugs; garden supplies; gifts; electrical goods and supplies; food and food products of any kind including production of bakery goods for retail sale in the same establishment, but not including the killing of poultry or any other livestock; furniture; household furnishings and decorator's supplies; hardware; luggage and leather goods; office supplies; optical goods; pets and pet supplies but not any veterinary service; photographic equipment and supplies; variety goods; toys; jewelry; liquor; music; stationery; newsstands; and other similar retail establishments.
- Stores for the retail sale and/or repair of household appliances, musical instruments, and sporting goods.
- Retail service stores and personal service shops such as barber shops; beauty parlors; shoe repair shops; tailor shops; laundromats; establishments for receiving and distributing articles for laundering or

cleaning; blueprint, photostat, and similar reproduction establishments; and printing establishments not exceeding three thousand (3,000) square feet in gross area.

- Offices for business or professional use.
- Restaurants, including drive-thru restaurants.
- Banks and other financial institutions.
- Clinics - outpatient care only.
- Cleaning and pressing shops limited to six (6) pressing machines, and four (4) dry cleaning machines.
- Studios and trade schools.
- Vending machines.
- Broadcasting stations.
- Non-fee parking lots.
- Public buildings.
- Churches and community buildings.
- Signs subject to Article 25.
- Off-street parking subject to Article 24.
- Open space subject to Article 23.
- Accessory uses customarily incidental to these uses.
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water sewer service, but not those facilities listed as requiring a special use permit.
- Real Estate offices.
- Household Pet Grooming (amended by Council 2/13/96)

**16-1.2** Uses Permitted by Special Use Permit. The following uses will be permitted upon authorization of the Town Council subject to Article 4, Section 4-8.

- Commercial parking lots and garages.
- Service stations with no outside car storage, which may include a self-service car wash as an accessory use.
- Hotels and motels with appurtenant restaurants.
- Funeral Homes.
- Taxicabs stands.
- Clubs, lodges, and assembly halls.

- Commercial recreational establishments.
- Commercial nurseries and greenhouses.
- Child care centers (amended by Council 4/7/87).
- Theaters.
- Transportation facilities such as bus terminals, and railroad stations.
- Printing establishments.
- Dwelling unit of caretaker or night watchman.
- Temporary fair and show grounds.
- Apartments or dwellings for the elderly and handicapped on separate assigned parcels and designed to meet the standards of the RMF Residential Multifamily District, or similar apartments or dwellings designed as an integral part of a building or group of buildings containing offices, retail, or commercial uses. In approving such mixed use developments, due consideration shall be given to such matters as fire safety, light and air, size and number of dwelling units and means of access thereto, location and number of parking spaces, location of dwellings with respect to commercial uses, and amenities provided for use of residential occupants.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings.
- Active and passive recreation and recreational facilities.
- Veterinary hospitals (amended by Council 7/11/95)
- Any use permitted in 16-1.1, 50,000 square feet or greater in gross floor area. (Amended by Council 5/14/96)

## **16-2 Area Regulations**

### **16-2.1 Minimum lot size:**

- Six thousand (6,000) square feet.
- The minimum area regulations may be modified by the Town Council in accordance with the provisions of Section 4-8.2a. (Amended by Council 11/12/97)

### **16-2.2 Maximum percent lot coverage:**

- Eighty-five (85) percent including off-street parking.

### **16-3 Setback Regulations**

- Forty (40) feet from the right-of-way of a local street having a right-of-way of fifty (50) feet or less.
- Sixty (60) feet from the right-of-way of a major thoroughfare or collector street having right-of-way greater than fifty (50) feet.
- Forty (40) feet from the right-of-way of a service drive.
- Twenty (20) feet from any interior private or public accessway.
- Accessory buildings shall not be permitted forward of the setback line.

### **16-4 Frontage Regulations.**

The minimum lot width is fifty (50) feet.

### **16-5 Yard Regulations**

Side: Ten (10) feet adjacent to any C or I district including parking structures but not including parking lots.

Twenty-five (25) feet adjacent to any R district including parking lots or structures; or a distance equal to the height of the building in the CL district, whichever is the greater distance.

Rear: Fifteen (15) feet adjacent to any C or I district including structures but not including parking lots.

Twenty-five (25) feet adjacent to any R district including parking lots or structures; or a distance equal to the height of the building in the CL district, whichever is the greater distance.

### **16-6 Height Regulations**

Buildings may be erected up to forty-five (45) feet in height from grade except that:

- A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased one (1) foot for each foot in height over forty-five (45) feet.
- Church spires, belfries, cupolas, monuments, cooling towers, municipal water towers, chimneys, flues, flagpoles, and television antennae are exempt. Parapet walls may be up to four (4) feet above the height of the building on which the walls rest.
- Accessory buildings over fifteen (15) feet in height shall be at least ten (10) feet from any lot line. All accessory buildings shall be less than the main building in height.

#### **16-7 Special Provisions for Accessory Structures**

- Accessory buildings aggregate area shall not exceed twenty-five (25) percent of the open space required.
- Accessory buildings shall not be located closer than five (5) feet to any rear or side property line or within five (5) feet of the main structure, except that an accessory building may be built on the property line as party wall, provided the applicant files with the Zoning Administrator the written consent of the owners of the adjoining properties, and the exterior walls are of masonry construction. Provision must be made for disposal of roof water onto the subject property or the nearest storm sewer.
- Attached accessory buildings and structures shall be subject to same setback as main structure.
- Service station pumps, pump islands, and detached freestanding pump canopies may occupy required yards provided they are not less than fifteen (15) feet from street lines.
- Open fire escapes of noncombustible material may project into side or rear yards by not more than four (4) feet and be no closer to any property line than five (5) feet.

## **16-8 Screening**

The district shall be permanently screened from adjoining and contiguous residential districts by a wall, fence, evergreen hedge, and/or suitable enclosure of minimum height five (5) feet and maximum height eight (8) feet. Any area between such enclosure and the property line shall be landscaped to form a permanent screening area. The requirement for a screening enclosure and/or screening area may be waived if equivalent screening is provided by existing parks, parkways, recreational areas, or by topography or other natural conditions. The above requirement shall not apply when the (architectural) front of any commercial building faces the street across from and R district or when the strict application of the requirement relative to screening can be demonstrated on the site plan as not serving the purpose for which it is intended.

## **16-9 Lighting**

Lighting facilities shall be arranged in a manner which will protect the highway and neighboring properties from direct glare or hazardous interference. Lighting facilities shall be required along private and public streets and within parking areas, installed at the developer's expense.

Refuse containers or refuse storage areas shall be located in a paved area and hidden from general public view, either from within or outside the lot, by means of fences, walls, or landscape planting.

## **16-10 Additional Regulations Where a Grouping of More than One Use is Planned for a Tract**

The development shall consist of a harmonious selection of use and groupings of buildings, service and parking areas, circulation and open spaces, planned and designed as an integrated unit, in such a manner as to constitute a safe, efficient, and convenient retail commercial center.

The proposed development shall be constructed in accordance with an overall plan and shall be designed as a single architectural unit with appropriate landscaping.

All buildings shall be arranged in a group or groups. The distance at the closest point between any two (2) buildings or groups or units of attached buildings shall be not less than twelve (12) feet.

Adequate areas shall be provided for loading and unloading of delivery trucks and other vehicles; servicing of shops by refuse collection, fuel, fire, and other service vehicles; automobile accessways; and pedestrian walks. Service areas shall be screened from view from any abutting roadway and from within the parking area.

Provision shall be made for safe and efficient ingress and egress to and from public streets and highways serving the center without undue congestion to or interference with normal traffic flow.